

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

IN RE DIET DRUGS (Phentermine	:	
/Fenfluramine/Dexfenfluramine)	:	MDL Docket No. 1203
PRODUCTS LIABILITY LITIGATION	:	
	:	
	:	
THIS DOCUMENT RELATES TO:	:	
	:	CIVIL ACTION NO. 99-20593
SHEILA BROWN, et al. v. WYETH	:	

MEMORANDUM AND SUGGESTIONS REGARDING
REPORT OF AHP SETTLEMENT TRUST OF JUNE 23, 2003
PURSUANT TO PRETRIAL ORDER NO. 2881

As the purpose of the report to the Court is to enlighten the Court with regard to the running of the Trust and its progress from month to month, Claimants represented by the Law Offices of Michael L. Hodges request the Court instruct the Trust to answer certain specific questions, which may assist the Court in understanding why there has been such a stagnant audit program.

The Trust had indicated in previous reports that several thousand claims were ready for audit. Nevertheless, in the month of May, only 105 claims were sent to auditors and only 93 claims were completed and sent back to the Trust.

We respectfully request the Court address specific questions to the Trust along the following lines:

1. Is it true that only 10 auditors have been performing all of the audits in the month of May? If so, why aren't there more auditors performing audits?
2. Is it true no auditor has performed an audit without prior approval from Wyeth? In other words, Wyeth has the opportunity to test the opinions of each auditor

before they are allowed to become an auditor. Is that holding up the process of approval of auditors?

3. How many people work in the audit department?

4. What is the purpose of spending resources to determine eligibility for an audit when more than 4,000 people have already been approved for audit and only 100 per month sent to audit? Since it will take more than 4 years at the current rate just to do the audits of those people already approved, what is the point of approving 4,000 or 5,000 more?

CONCLUSION

We would simply request the Court address these questions to the attorney for the Trust at the next status conference and that the attorney for the Trust be prepared at that time to answer these questions.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the above and foregoing was served the ____ day
of _____, 2003, upon:

Michael L. Hodges